IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9212 of 2005

Between:

Gundlakamma Pranthiya Abhivrudhi Sangam,

SVSC High School, rep by President, S.M. Mohan,

S/o Venkteswara Sastry R/o S.V.S. Sitharampuram,

Nizendla Mandal, Guntur District

..... PETITIONER

AND

1 The Government of A.P.,

rep by Principal Secretary,

School Education, Secretariat, Hyderabad
2 The Commissioner and Director of school Education,

Government of Andhra Pradesh, Hyderabad
3 The Regional Joint Director of school Education,

Guntur, Guntur District
4 The District Educational Officer,

Guntur, Guntur District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate Writ, order or direction, declaring

the action of the respondents in not permitting the petitioner society to fill up the aided P&T vacancy SVSC High School, Sitharampuram, Nuzendla Mndal, Guntur district, pursuant to the proceedings of the 2nd respondent in Rc. No. 728/B2-3/2003, dated 20-9-2003 as illegal, arbitrary and consequently direct the respondents to permit the petitioner society to fill the existing aided vacancies in the school by nominating a departmental nominee.

Counsel for the Petitioner: Mr. N.SUBBA RAO

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court, at the stage of admission, made the following :

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not permitting the petitioner-School to fill up the aided Vacant P.E.T. post in S.V.S.C. High School, Sitharamapuram, Nuzendla Mandal pursuant to the

proceedings of the second respondent in Rc.No.728/B2-3/2003, dated 20.09.2003, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

3. The learned counsel for the petitioner contended that the competent authority has given permission to fill up vacant aided posts in the Aided institutions as per the roaster point, but the respondents are not taking any steps to fill up the posts.

5. On the other hand, the learned Government Pleader for School Education has contended that as per the Government Memo, dated 20.10.2004, a ban has been imposed, and therefore, it is not permissible to go ahead with the selection process.

6. This matter is squarely covered by the orders of this Court in W.P.No.24559 of 2004, W.P.No.4120 of 2005 and W.P.No.22188 of 2004. The learned single Judge of this Court held that when the general ban on recruitment imposed by the Government came into force with effect from 20.10.2004, it would not come in the way of petitioner's school for filling up the aided posts in view of the fact that permission was already given to the petitioner prior to the ban imposed.

7. Therefore, following the said judgments, the respondents are directed to take necessary steps to fill up the existing vacant aided posts in the petitioner's school in accordance with law.

8. Accordingly, the writ petition is disposed of. In the circumstances of the case, there shall be no order as to costs.

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(K.C.BHANU,J)

Dt: 25th April, 2005.

Usd

To

1 The Principal Secretary,

Government of A.P.,

School Education, Secretariat, Hyderabad

2 The Commissioner and Director of school Education,

Government of Andhra Pradesh, Hyderabad

3 The Regional Joint Director of school Education,

Guntur, Guntur District

4 The District Educational Officer,

Guntur, Guntur District

5 Two CCs to the GP for School Education,

High Court Buildings, Hyderabad (O.U.T.)

6 Two CD copies